

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1346 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

HEIRS OF MOHANBHAI NATHABHAI MALI

Versus

COMPETENT AUTHORITY AND ADDL COLLECTOR

Appearance:

MR SK BUKHARI for Petitioners

Mr. L.R. Pujari, AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 28/09/2000

ORAL JUDGEMENT

Learned advocate Mr. S.K.Bukhari is appearing for
the petitioner. Learned AGP Mr. Pujari is appearing for
the respondent authorities.

In this petition, rule was issued by this court on 7th March, 1994 and by way of ad interim relief, status quo with respect to the subject matter of this petition as on 7th March, 1994 was ordered to be maintained by both the sides.

In this matter, the petitioner is challenging the order passed by the respondent NO.2 dated 1st August, 1992 at Annexure "J" with a prayer to restore the order dated 29th December, 1979 passed by respondent No.1 which is at Annexure "F".

Today, when the matter has been taken up for hearing, learned AGP Mr. Pujari has produced a letter issued by the Competent Authority and Addl. Collector, Baroda dated 25th August, 2000 which is ordered to be taken on record of this petition. In the said letter, it is mentioned that the notification under sec. 8(4) of the Act has been issued by the competent authority on 29th December, 1979 and the notification under sec. 10(1) was issued on 26th November, 1981 and the notification under section 10(3) has been issued on 5th July, 1984 and thereafter, notice under sec. 10(5) has been issued on 16th August, 1984. However, according to the averments made in the said letter, no further proceedings were initiated by the competent authority beyond notification under sec. 10(5) and the possession of the excess land in question has not been taken by the State Government and, therefore, request is made by the competent authority to proceed in the matter as per the provisions of the Urban Land (Ceiling and Regulation) Repeal Act, 1999.

The Urban Land (Ceiling and Regulation) Act, 1976 has been repealed by the Urban Land (Ceiling and Regulation) Repeal Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999, passed under Art. 252(2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, 1999, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act 1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. Ad interim relief granted earlier shall stand vacated with no order as to costs.

28.9.2000 (H.K. Rathod,J.)

Vyas